

REMARKS

In response to the Office Action dated January 10, 2006, Applicants respectfully request reconsideration of the application. The courteous interview conducted by Examiner Rhode with Applicants' undersigned representative is noted with appreciation. The substance of that interview is set forth in the foregoing amendments to the claims and the following remarks.

The previously pending claims were rejected under 35 U.S.C. §103, on the basis of the *Messner* patent in view of various secondary and tertiary references. To reduce the issues under consideration, and clarify the distinctions over the prior art as represented by the *Messner* patent, the previously pending claims have been canceled and new claims 32-38 are submitted for consideration.

Claim 32 recites a method that includes the initial step of receiving a payment from a purchaser for a certificate for an online product of a vendor. This certificate includes an authorization code having at least one characteristic that identifies the purchaser. The certificate is provided to the purchaser in a physical form, e.g. a paper certificate or booklet.

In one implementation of the invention, the purchaser transfers the certificate to a user. For instance, if the certificate relates to an online product related to the funeral industry, the purchaser might be an entity such as a hospice. The hospice can give certificates that it has purchased to patients, or relatives of patients who may be deceased. The recipients of the certificates can then use them to obtain a product, or service, of a funeral home, at a reduced cost, or for free.

Continuing with claim 32, it recites the further step of receiving entry of the authorization code, which is entered by a user to whom the certificate has been

transferred from the purchaser. The claim recites the further step of determining the identity of the purchaser from the authorization code received from the user.

Thus, claim 32 recites a method in which transactions are conducted between three entities, namely the vendor, the purchaser and the user. The purchaser obtains the certificate from the vendor, and then provides it to the user. The certificate contains an authorization code that identifies the purchaser such that, when the user ultimately redeems the certificate to obtain the on-line product, the purchaser can be identified by the vendor as the entity who provided the certificate to the user. This information can be utilized for tracking purposes and/or, if a commission is involved, to ensure that the proper commission is credited to the purchaser.

The *Messner* patent also discloses an arrangement that involves three entities. However, the nature of the transactions conducted in that arrangement is not the same as the method set forth in claim 32. More particularly, in the arrangement of the *Messner* patent, when a purchaser buys a gift certificate, that certificate is not provided to the purchaser, for subsequent transfer to a user. Rather, at the time of purchase, the purchaser identifies the user to whom the gift certificate is to be delivered. See, for example, the paragraph at column 9, lines 18-50. Thus, at the time of purchasing the gift certificate, the ultimate recipient is already known. As such, there is no need to provide an authorization code on the gift certificate that identifies the purchaser.

This is in contrast to the arrangement in which the claimed method can operate, where the ultimate user may not be known at the time of purchasing the certificate. In this arrangement, the authorization code functions to link the

purchaser to the redemption of the certificate when it ultimately occurs. In the system of the *Messner* patent, there is no need to provide this type of information on the certificate, since the recipient is known at the time of purchase. In other words, the link between the recipient and the purchaser is established at the time of purchase.

Accordingly, it is respectfully submitted that the *Messner* patent does not disclose the method recited in claim 32, in which a certificate comprising an authorization code having at least one characteristic that identifies a purchaser is provided to the purchaser, this authorization code is entered by a user who has received the certificate from the purchaser, and the identity of the purchaser is determined from the authorization code received from the user. Because of the different manner in which the arrangement of the *Messner* patent is designed to operate, wherein the identity of the ultimate user is provided at the time of purchase, there is no reason to employ an authorization code that identifies the purchaser, and to employ the sequence of steps recited in claim 32.

It is respectfully submitted that the secondary references do not overcome this difference between the disclosure of the *Messner* patent and the method recited in claim 32. The *Walker et al.* patent (U.S. 6,658,390) is directed to a method for reselling a previously sold product. In practice, this method is only used where there is a finite limit on the number of products that are available, such as seats for an entertainment event. Once all of the tickets for those seats have been sold, if the vendor realizes that a higher price can be obtained than that for which the tickets were originally sold, it may make sense for the vendor to repurchase the tickets and sell them at a higher price, as disclosed in the *Walker* patent. However, there is no

reason to apply this method to transactions involving gift certificates. Unlike the limited number of seats in an entertainment forum, the number of gift certificates that can potentially be sold is unlimited. Thus, there is no apparent reason why a person of ordinary skill in the art would want to apply any of the teachings of the *Walker* patent to the sale of gift certificates. Rather than repurchase previously sold certificates, it is possible to issue new certificates and sell them at the higher price.

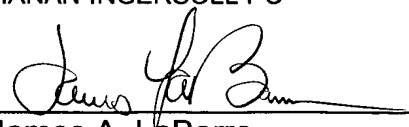
The reference identified in the Office Action as "Gift" was cited for its disclosure of the purchase of a plurality of certificates. It is respectfully submitted that this teaching does not overcome the distinctions between the subject matter of the currently pending claims and the disclosure of the *Messner* patent, as discussed previously.

For the foregoing reasons, it is respectfully submitted that the currently pending claims are patentably distinct from the *Messner* patent, whether considered by itself or in combination with the secondary references. Reconsideration of the application, and allowance of all pending claims is respectfully requested. If the Examiner believes that additional issues remain to be discussed, and/or that possible modification of the claims would serve to clearly place them in allowable form, he is respectfully invited to contact the undersigned at the number listed below.

Respectfully submitted,

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Date: May 10, 2006

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